

You see, the law requires the company to prove that the product is not dangerous to the public health before it can be marketed. The FDA really dropped its guard and allowed them to sell the product without that proof, and it took a Federal court setting a deadline to get the FDA back into the business of regulating this deadly product that was addicting millions of children across America.

I have had my ups and downs with the Food and Drug Administration over this issue. I think they could have been much more aggressive. They could have protected more children. But, unfortunately, they did not. During the entire Trump administration, we backpedaled, came up with excuses, did nothing, and so vaping products became more prolific across America, and more children became addicted.

Now we have a new head of the FDA, Dr. Califf. We had our back-and-forth exchanges over this issue, and I made it very clear to him that there was no possible explanation or justification for not regulating this product when the lives and health of so many children were at stake. As I said, we had our good days and bad days in that exchange.

I am happy to report that the Food and Drug Administration has announced this morning a dramatic, historic step forward to protect the children across America from e-cigarette and vaping products. They are finally—finally, the FDA is starting actions to remove from the shelves products produced by the JUUL company—J-U-U-L, JUUL company—that, in fact, endanger our children. This is long overdue.

You won't be surprised to learn that Big Tobacco has a major investment in these companies. They believe this is the future, their new product that they can addict children with—the nicotine—and hook them, perhaps for life, on their products.

The Food and Drug Administration has taken a bold step today. It is going to be a battle royal in court—you can just bet on it—but finally they have stood up and said they are ready and prepared for the battle. I want to join them in that effort.

I also want to say that taking these products off the shelves across America will invite the possibility of contraband or black market sales. We are calling on all those entities which could supply those black market products, including internet sources, to stand up for children across America and join the FDA in stopping the sale of these products.

We estimated that if the Food and Drug Administration did not take action to do this today, did not initiate this effort to stop the sale of this product, we know more children would be addicted. As many as 750,000 to a million children have started since the FDA defied a court deadline in September. That just gives you an idea of the reach of this product and how serious it is.

If you don't know the story behind e-cigarettes and vaping, ask a high school student in America. If that doesn't work, ask their parents when they discover that their kids are addicted to these products. They are innocuous-looking little delivery systems that look like they belong in a computer, while they end up damaging the health of children and people across the United States.

When I spoke to Dr. Califf this morning and he told me about this historic announcement by the Food and Drug Administration, he made it clear that tobacco and smoking and nicotine products were a major threat to the health of children across this country and to Americans. Tobacco regulation, as he noted, is a major step forward in reducing the number of cancer deaths in America and heart disease. It is still a problem. It is still a challenge. And Big Tobacco and their new Big Vaping allies are determined to once again get their hooks in our kids at an early age.

I am heartened by this decision by the Food and Drug Administration. They are in for a legal battle, for sure, but it is worth the effort.

In the end, make sure that you come down on the side of children when we are talking about tobacco and nicotine. It is an issue that I have been involved in for years. I see the Senator from Oregon on the floor, and I know that he was involved in the House of Representatives and in the Senate in the same battle. But our efforts against vaping and e-cigarettes are going to mean that children have a healthier life and better future.

I commend the Food and Drug Administration for this decision removing JUUL products from the shelves of America, and I hope we can do more.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority whip.

Mr. DURBIN. Madam President, I ask unanimous consent that we begin the vote scheduled for 11 a.m. this morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VOTE ON MOTION TO DISCHARGE

The question is on agreeing to the motion to discharge.

The yeas and nays were previously ordered.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from North Dakota (Mr. CRAMER).

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 239 Ex.]

YEAS—50

Baldwin	Carper	Gillibrand
Bennet	Casey	Hassan
Blumenthal	Coons	Heinrich
Booker	Cortez Masto	Hickenlooper
Brown	Duckworth	Hirono
Cantwell	Durbin	Kaine
Cardin	Feinstein	Kelly

King
Klobuchar
Leahy
Lujan
Manchin
Markey
Menendez
Merkley
Murphy
Murray

Ossoff
Padilla
Peters
Reed
Rosen
Sanders
Schatz
Schumer
Shaheen
Sinema

Smith
Stabenow
Tester
Van Hollen
Warner
Warnock
Warren
Whitehouse
Wyden

NAYS—49

Barrasso
Blackburn
Blunt
Boozman
Braun
Burr
Capito
Cassidy
Collins
Cornyn
Cotton
Crapo
Cruz
Daines
Ernst
Fischer
Graham

Grassley
Hagerty
Hawley
Hoeven
Hyde-Smith
Inhofe
Johnson
Kennedy
Lankford
Lee
Lummis
Marshall
McConnell
Moran
Murkowski
Paul
Portman

Risch
Romney
Rounds
Rubio
Sasse
Scott (FL)
Scott (SC)
Shelby
Sullivan
Thune
Tillis
Toomey
Tuberville
Wicker
Young

NOT VOTING—1

Cramer

The motion was agreed to.

(Ms. CANTWELL assumed the Chair.)

LEGISLATIVE SESSION

JOSEPH WOODROW HATCHETT
UNITED STATES COURTHOUSE
AND FEDERAL BUILDING—Re-
sumed

The PRESIDING OFFICER (Mr. BOOKER). Under the previous order, the Senate will resume legislative session to resume consideration of the House message to accompany S. 2938, which the clerk will report.

The legislative clerk read as follows:

Message to accompany S. 2938, a bill to designate the United States Courthouse and Federal Building located at 111 North Adams Street in Tallahassee, Florida, as the "Joseph Woodrow Hatchett United States Courthouse and Federal Building", and for other purposes.

Pending:

Schumer motion to concur in the amendment of the House to the bill, with Schumer (for Murphy) amendment No. 5099 (to the House amendment), relating to the Bipartisan Safer Communities Act.

Schumer amendment No. 5100 (to amendment No. 5099), to add an effective date.

Schumer motion to refer the message of the House on the bill to the Committee on Environment and Public Works, with instructions, Schumer amendment No. 5101, to add an effective date.

Schumer amendment No. 5102 (to the instructions (amendment No. 5101) of the motion to refer), to modify the effective date.

Schumer amendment No. 5103 (to amendment No. 5102), to modify the effective date.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to S.